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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,847	04/06/2001	Hassan H. Hagirahim	Hagirahim 10	6642
46363	7590	08/19/2005	EXAMINER	
MOSER, PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			HO, CHUONG T	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/827,847

Applicant(s)

HAGIRAHIM, HASSAN H.

Examiner

CHUONG T. HO

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-32.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke at the end.

WELLINGTON CHIN
REVISORY PATENT EXAMINER

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1. The new limitations “determining if a transport stream exists between the first voice switch and a second voice switch serving said second subscriber; determining if the first voice switch and the second voice switch are compatible responsive to a determination that the transport stream between the first voice switch and the second voice switch does not exist; establishing the transport stream responsive to a determination that the first switch and the second switch are compatible, wherein said establishing comprises: establishing an Asynchronous Transfer Mode physical layer; establishing an Asynchronous Transfer Mode logical layer over the Asynchronous Transfer Mode physical layer; and establishing an Asynchronous Transfer Mode Adaptation Layer 2 (AAL2) layer over the Asynchronous Transfer Mode logical layer; and multiplexing said packets onto the transport stream as AAL2 packets adapted for transmission over the Asynchronous Transfer Mode Adaptation Layer 2 (AAL2) layer, said AAL2 packets intended for the second voice switch serving the second subscriber “ (claim 1, page 2, lines 6-21) request new search, new consideration.

2. The new limitations “ enabling the communication of said transport stream packets to said PSTN by establishing a packet transport medium, wherein said establishing said packet transport medium comprises: establishing an Asynchronous Transfer Mode physical layer; establishing an Asynchronous Transfer Mode logical layer over the Asynchronous Transfer Mode physical layer; establishing an Asynchronous Transfer Mode Adaptation Layer 2 (AAL2) layer over the Asynchronous Transfer Mode logical layer; and mapping the transport stream packets into AAL2 packets adapted for transmission over the Asynchronous Transfer Mode Adaptation

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Layer 2 (AAL2) layer “ (claim 15, page 4, lines 19- 26, page 5, lines 1-3) request new search, new consideration.

3. The new limitations “said first switch adapted for determining if a transport stream exists between the first voice switch and a second voice switch serving said second subscriber; determining if the first voice switch and the second voice switch are compatible responsive to a determination that the transport stream between the first voice switch and the second voice switch does not exist; establishing the transport stream responsive to a determination that the first switch and the second switch are compatible, wherein said establishing comprises: establishing an Asynchronous Transfer Mode physical layer; establishing an Asynchronous Transfer Mode logical layer over the Asynchronous Transfer Mode physical layer; and establishing an Asynchronous Transfer Mode Adaptation Layer 2 (AAL2) layer over the Asynchronous Transfer Mode logical layer; and multiplexing said packets onto the transport stream as AAL2 packets adapted for transmission over the Asynchronous Transfer Mode Adaptation Layer 2 (AAL2) layer, said AAL2 packets intended for the second voice switch serving the second subscriber” (claim 24, page 6, lines 5-27) request new search, new consideration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong ho whose telephone number is (571)272-3133. The examiner can normally be reached on Monday-Friday from 8:00AM-4:00PM.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08/15/05